

LEGISLATIVE DIGEST

[Interim Zoning Controls Requiring Conditional Use Authorization for All Projects that Involve Establishment of a Formula Retail Use, New Retail Uses of 25,000 Gross Square Feet or Larger, and/or a Lot Merger that Creates a New Lot that is 25,000 Square Feet or Larger on Properties Fronting Bayshore Boulevard, from Jerrold Avenue to the I-280 Freeway; the west side of Loomis Street, from Jerrold Avenue to the I-280 Freeway; Oakdale Avenue from Loomis Street to Bayshore Boulevard; Marengo Street from Bayshore Boulevard to Waterloo Street; and the west side of Boutwell Street from Industrial Street to the I-280 Freeway.]

Resolution imposing interim zoning controls to require Conditional Use authorization for all projects that involve (1) establishment of a formula retail use, (2) new retail uses that are 25,000 gross square feet or larger, and/or (3) a lot merger that creates a new lot that is 25,000 square feet or larger, for a period of eighteen (18) months, on all properties on lots fronting Bayshore Boulevard, from Jerrold Avenue to the I-280 Freeway; the west side of Loomis Street, from Jerrold Avenue to the I-280 Freeway; Oakdale Avenue from Loomis Street to Bayshore Boulevard; Marengo Street from Bayshore Boulevard to Waterloo Street; and the west side of Boutwell Street from Industrial Street to the I-280 Freeway; specifying criteria to be applied in the evaluation of a conditional use permit application, in addition to the criteria listed in Section 303 of the Planning Code, and making findings, including findings of consistency with the priority policies of Planning Code Section 101.1 and environmental findings.

Existing Law

Formula retail uses are defined by Section 703.3 of the Planning Code as "a type of retail sales activity or retail sales establishment which, along with eleven or more other retail sales establishments located in the United States, maintains two or more of the following features: a standardized array of merchandise, a standardized façade, a standardized décor and color scheme, a uniform apparel, standardized signage, a trademark or servicemark."

Formula retail uses have been regulated in the City since 2004. Under current law, formula retail uses require a conditional use authorization under Section 303 of the Planning Code within some areas of the City (such as most Neighborhood Commercial districts, the RC-3 and RC-4 districts along Van Ness Avenue, and several mixed used districts), and are altogether prohibited within other areas (such as the Hayes-Gough Neighborhood Commercial District, the North Beach Neighborhood Commercial District and the Chinatown Visitor Retail District.)

Amendments to Current Law

This resolution imposes new, interim zoning controls under Planning Code Section 306.7, for all projects on properties located on the Bayshore Corridor and adjacent streets, in the

FILE NO.

Bayview Hunters Point area of the City, which entail (1) establishment of a formula retail use, (2) new retail uses that are 25,000 gross square feet or larger, and/or (3) a lot merger that creates a new lot that is 25,000 square feet or larger, for a period of eighteen (18) months, or until permanent controls are adopted. Specifically, the legislation applies to properties fronting Bayshore Boulevard, from Jerrold Avenue to the I-280 Freeway; the west side of Loomis Street, from Jerrold Avenue to the I-280 Freeway; Oakdale Avenue from Loomis Street to Bayshore Boulevard; Marengo Street from Bayshore Boulevard to Waterloo Street; and the west side of Boutwell Street from Industrial Street to the I-280 Freeway. The area is currently zoned industrial (M-1 and M-2).

The interim controls require conditional use authorization before the Planning Commission can approve a project that involves any of the actions listed above. It provides some criteria for the Planning Commission to take into account when considering a conditional use application, in addition to the criteria listed in Section 303 of the Planning Code. These criteria are (1) whether any new, reconfigured, or reconstructed building is attractive, sensitive to surrounding buildings, and addresses the Bayshore Corridor as its main frontage; (2) whether ingress and egress for parking and loading is well considered, takes into consideration a general desire to minimize frontage width dedicated to curb cuts and does not unduly conflict with transit, automobile, and bicycle traffic; (3) whether the proposed new use provides clear economic benefits to the City, particularly the Bernal Heights and Bayshore communities; (4) whether the proposed new development demonstrates leadership in sustainability either in terms of the proposed retail business itself, and/or the treatment of the site and building(s); and (5) the degree to which the proposed new use provides for job creation and/or retention in the community.

Background Information

The purpose of these interim controls is to provide for Planning Commission oversight for any proposed formula retail, large retail use, or lot merger resulting in a large lot, that may conflict with the current planning and legislative efforts for the Bayshore Corridor.